

BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:)
)
ILLINOIS COMMERCE COMMISSION)
On Its Own Motion,)
)
v.)
) No. T14-0075
IOWA PACIFIC HOLDINGS -)
CHICAGO TERMINAL RAILWAY,)
)
Citation with respect to Chicago)
Terminal Railway and the failure)
to maintain various highway-rail)
grade crossing surfaces in)
accordance with the requirements)
of 92 Ill. Adm. Code)
Part 1535.203.)

Chicago, Illinois
July 15, 2015

Met pursuant to notice at 2:00 p.m.

BEFORE:
Timothy E. Duggan, Administrative Law Judge.

1 APPEARANCES:

2 IOWA PACIFIC HOLDINGS, LLC, by
3 MR. DAVID MICHAUD ESQ.
4 118 South Clinton Street, Suite 400
Chicago, Illinois 60661
(312) 509-4030

5 Appearing on behalf of Iowa Pacific
6 Holdings - Chicago Terminal Railway;

7 ILLINOIS COMMERCE COMMISSION, by
8 MR. BRIAN M. VERCROYSSSE
527 East Capitol Avenue
Springfield, Illinois 62701
(312) 636-7760

9
10 Appearing on behalf of the Staff of
the Illinois Commerce Commission;

11 CITY OF CHICAGO, ASSISTANT CORPORATION COUNSEL, by
12 MR. JARED W. POLICICCHIO
30 North LaSalle Street, Suite 1400
Chicago, Illinois 60647
13 (312) 744-1438

14 Appearing on behalf of the
15 City of Chicago.

16 ALSO PRESENT:

17 Mr. Joe B. Alonzo, Department of Transportation
18 Mr. T.J. Fuhrer

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21 SULLIVAN REPORTING COMPANY, by
22 Brad Benjamin, CSR
License No. 084-004805

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I N D E X

<u>Witnesses:</u>	<u>Direct</u>	<u>Cross</u>	<u>Re- direct</u>	<u>Re- cross</u>	<u>By Examiner</u>
None.					

E X H I B I T S

<u>Number</u>	<u>For Identification</u>	<u>In Evidence</u>
None so marked or admitted.		

1 JUDGE DUGGAN: Pursuant to the authority vested
2 in me by the State of Illinois and the Illinois
3 Commerce Commission, I now call Docket T14-0075 for a
4 hearing.

5 May I have appearances, starting with
6 Mr. Michaud.

7 MR. MICHAUD: David Michaud for Iowa Pacific
8 Holdings and Chicago Terminal Railway.

9 JUDGE DUGGAN: Generally, they still like you
10 to give your business address and your telephone
11 number and your an attorney representing who.

12 MR. MICHAUD: Okay. Our business address is
13 118 South Clinton, Suite 400, Chicago, Illinois
14 60661. Phone number is (312) 667-0377 and again, I'm
15 appearing as the attorney for Iowa Pacific and
16 Chicago Terminal Railway.

17 JUDGE DUGGAN: Okay. And --

18 MR. MICHAUD: And in house counsel for both.

19 JUDGE DUGGAN: Right.

20 You're in house counsel, you're not a
21 separate law firm, correct?

22 MR. MICHAUD: Yes.

1 JUDGE DUGGAN: All right. And Mr. Vercruysse?

2 MR. VERCruysse: Thank you, your Honor.

3 Brian Vercruysse, representing the

4 Rail Safety Section Staff for the Illinois Commerce

5 Commission. Address: 527 East Capitol Avenue,

6 Springfield, Illinois 62701, and my phone number is

7 (312) 636-7760. Thank you.

8 JUDGE DUGGAN: Very good.

9 And for the Chicago attorney, we're

10 going to hold off on you for a second here. Spell

11 your last name -- or pronounce your last name for me

12 one more time, please.

13 MR. POLICICCHIO: Policicchio.

14 JUDGE DUGGAN: One more time. Something

15 interrupted that.

16 Say it again, please.

17 MR. POLICICCHIO: Policicchio.

18 JUDGE DUGGAN: Okay. And you're with the

19 State's Attorney's Office? Or -- no, you're just

20 with the City's Attorney's Office, City of Chicago,

21 correct?

22 MR. POLICICCHIO: Yes, your Honor, with the

1 City Department of Law.

2 JUDGE DUGGAN: And to be clear again, The City
3 of Chicago is not a party to this proceeding, but you
4 believe that a prior attorney has entered -- has
5 represented the City at the hearing, correct?

6 MR. POLICICCHIO: No, your Honor.

7 I looked at the docket and I did not
8 see any appearance by an attorney from the City.

9 JUDGE DUGGAN: Okay. We're expecting that a
10 city employee, Mr. Joe Alonzo, may testify or
11 otherwise have relevant information here.

12 So you're here for that purpose, to be
13 with him; is that correct.

14 MR. POLICICCHIO: Yes, that's correct.

15 JUDGE DUGGAN: Okay. Mr. -- is it anticipated
16 Mr. Alonzo's going to testify, Mr. Vercruysse?

17 MR. VERCRUYSSSE: I don't know that it's a
18 necessity, but I believe if there's questions or
19 issues regarding the permitting, he is here and
20 available to discuss it.

21 JUDGE DUGGAN: Okay. Well, Mr. Alonzo, let's
22 just swear you in in case we do need to do that.

1 How's that?

2 Would you raise your right hand.

3 (Witness sworn.)

4 JUDGE DUGGAN: Thank you very much.

5 And I guess, Mr. Fuhrer, I should have

6 sworn him you in too.

7 Mr. Fuhrer, do you want to raise your

8 right hand?

9 (Witness sworn.)

10 JUDGE DUGGAN: Thank you very much.

11 All right. Well, it's my

12 understanding that -- let me get this straight.

13 What are the two streets,

14 Mr. Vercruysse, Division and what?

15 MR. VERCRUYSSSE: And North Avenue.

16 JUDGE DUGGAN: Okay. And Division is the one

17 that repairs of the crossing were awaiting the

18 potential for the entire street grade to be changed?

19 MR. VERCRUYSSSE: That's correct, your Honor.

20 JUDGE DUGGAN: Okay. And North Avenue,

21 temporary repairs were done, but it's my

22 understanding that you want to discuss that one,

1 whether those temporary repairs are going to hold and
2 when they would be permanent, and with Division, how
3 much longer we should be waiting to see what the
4 City's plans are.

5 Is that a correct thumbnail sketch?

6 MR. VERCRUYSSSE: Yes, your Honor.

7 JUDGE DUGGAN: Okay. And you want to report on
8 the North Avenue yourself, or how do want to go about
9 this?

10 MR. VERCRUYSSSE: I'm fine giving a quick report
11 and the activities of Staff, your Honor.

12 JUDGE DUGGAN: Go ahead. Let's keep it
13 straight, though. Let's do North Avenue first.
14 Okay?

15 MR. VERCRUYSSSE: Of course. Thank you.

16 Your Honor, per Staff's filing on
17 June 24th, I did field review the crossing on
18 June 3rd. The crossing was improved and damaged
19 panels -- crossing surface panels, the rubber panels
20 were replaced and asphalt work was completed.

21 However, it was noticed that the
22 pavement for eastbound lanes -- this is the pavement

1 in between the rails -- was settling already and the
2 rail was exposed, making the rides still rough in
3 that section.

4 With Staff for filing on the 24th, I
5 believe further repairs are needed to correct that
6 asphalt issue and then, once that is corrected, I
7 will field review, and then, if necessary, we can
8 talk about potential for complete reconstruction at a
9 later date.

10 JUDGE DUGGAN: Okay. Now, what did you say?
11 The rubber supports for the ties?

12 MR. VERCRUYSSSE: It was the actual crossing
13 surface panels, the rubber panels. Most of the
14 damaged ones were removed and replaced with asphalt,
15 which is what we had discussed at the last hearing.
16 But in one --

17 JUDGE DUGGAN: Wait. Wait. Wait. Stop.

18 MR. VERCRUYSSSE: Sure.

19 JUDGE DUGGAN: The rubber panels were replaced
20 with asphalt?

21 MR. VERCRUYSSSE: Yes.

22 Most of the ones that there were

1 damaged were replaced with asphalt.

2 JUDGE DUGGAN: And then that includes
3 between -- okay. How many track are in here? Just
4 one track?

5 MR. VERCRUYSSSE: One track, your Honor.

6 JUDGE DUGGAN: And you're saying that -- okay.

7 So between the rails, was that
8 replacement rubber panels or asphalt?

9 MR. VERCRUYSSSE: Those were -- there had been
10 rubber panels there that were damaged. Those were
11 removed, and then hot mix asphalt was put in between
12 there in place of the panels.

13 JUDGE DUGGAN: Okay. So it's that hot mix
14 asphalt that is settling, making the potential safety
15 issue, correct?

16 MR. VERCRUYSSSE: Correct, your Honor. And
17 that's identified in Staff's filing from 6/24 on
18 page 3, and it shows the picture where the asphalt is
19 settling.

20 JUDGE DUGGAN: Okay. Now, on a factual basis,
21 Mr. Michaud, does the Chicago Terminal challenge that
22 representation?

1 MR. MICHAUD: No.

2 JUDGE DUGGAN: Then have you discussed

3 the -- fixing the problem and the time frame for that

4 fix?

5 MR. MICHAUD: Yes.

6 JUDGE DUGGAN: Go ahead.

7 MR. MICHAUD: Yes, we have.

8 Following the last -- first of all,

9 following the last hearing -- it was the status on

10 April 8th, we sought a permit -- and on April 17th we

11 obtained a permit -- the work was performed on

12 May 4th, 5th, and 6th, we hired a professional crew

13 to do the asphalt work, and --

14 JUDGE DUGGAN: Now, wait a second. Wait a

15 second. Wait a second. Mr. Vercruysse just

16 represented what he saw on June 23.

17 MR. MICHAUD: Right.

18 That's when the inspection was done

19 that he, I believe became aware of the failing

20 asphalt --

21 JUDGE DUGGAN: Okay. Well, I'm talk- --

22 MR. MICHAUD: I was just going to speak to what

1 happened following the last hearing and what our plan
2 is going forward.

3 JUDGE DUGGAN: All right. Well, I appreciate
4 that; but I'm directing my question to specifically
5 North Avenue alone and specifically what happened or
6 what the plan is for repairing the existing safety
7 problem that Mr. Vercruysse represented being the
8 settling between the rails.

9 MR. MICHAUD: Yes. Your Honor, I think the
10 picture speaks for itself. I mean, there's obviously
11 need to be additional --

12 JUDGE DUGGAN: The question was -- okay. You
13 already agreed that the representation was correct.

14 My question is, what are you going to
15 about it? When?

16 MR. MICHAUD: We just discussed prior to this
17 conference taking place that we can seek another
18 permit from the City of Chicago. There is an
19 individual there that we worked with before who was
20 able to help expedite the process and provide us with
21 a date to begin work. This is a pretty busy street
22 so the City of Chicago has to be intricately involved

1 as far as helping us with the traffic flow.

2 So I'm willing to initiate that
3 conversation this afternoon to set up a meeting with
4 the City of Chicago, and then when we go there they
5 will provide us an anticipated date for us to begin
6 their repair work, which I don't --

7 JUDGE DUGGAN: Okay. And how are you going to
8 repair it?

9 MR. MICHAUD: I'm sorry?

10 JUDGE DUGGAN: How are you going to repair it?

11 MR. MICHAUD: My intention would be to hire the
12 same crew that started -- that worked on it
13 previously.

14 JUDGE DUGGAN: I mean, are you going to put
15 more hot mix asphalt on top? What's going to happen?

16 MR. MICHAUD: We are to discuss this with
17 Mr. Vercruysse to get exactly what needs to get done
18 as far as the proper terminology for the repair.

19 JUDGE DUGGAN: Mr. Vercruysse, do you know what
20 you're recommending the method of repair?

21 MR. VERCruysse: Yes, your Honor.

22 JUDGE DUGGAN: What is it?

1 MR. VERCRUYSSSE: For the eastbound lanes, the
2 remaining sections of the rubber panels should be
3 removed and replaced with hot mix asphalt, and the
4 section in between the rails where the pavement is
5 settling we have to remove, or the Chicago terminal
6 needs to remove all of that asphalt in between the
7 rails in the eastbound lane -- in the center lane.
8 So it's probably about a 12-foot wide section that
9 they'll need to cut out, physically remove, and then
10 put back new hot mix asphalt and make sure it goes
11 right up to the rails, and then they can allow their
12 trains to come through.

13 JUDGE DUGGAN: All right. So my understanding
14 is you just discussed two things: One was between
15 the rails and one was outside the rails, correct?

16 MR. VERCRUYSSSE: Correct.

17 JUDGE DUGGAN: Okay. So you're saying for the
18 between the rails, remove all of the existing hot mix
19 asphalt and put in new, and apparently put it in some
20 fashion clear up to the rails so it won't have the
21 existing problem; is that correct?

22 MR. VERCRUYSSSE: That's correct.

1 JUDGE DUGGAN: Now, is that just the eastbound
2 lane or is that the entire width of the road.

3 MR. VERCRUYSSSE: It was the eastbound lane that
4 I saw.

5 JUDGE DUGGAN: So only the eastbound lane
6 portion between the rails is the problem between the
7 rails, correct?

8 MR. VERCRUYSSSE: Correct.

9 JUDGE DUGGAN: Now, you mention at some other
10 course in the eastbound lane taking up whatever is
11 left of the rubber panels and apparently replacing
12 that with asphalt, correct?

13 MR. VERCRUYSSSE: Correct.

14 JUDGE DUGGAN: All right. So I assume then
15 that you're saying that there is a problem with the
16 eastbound lane and -- first of all, we're
17 talking -- in the eastbound lane, are we talking the
18 north side or the south side?

19 MR. VERCRUYSSSE: Your Honor, there's two
20 eastbound through lanes at this location, so you
21 could have two lanes of traffic heading eastbound.
22 The primary concern is with the inner lane, the lane

1 that's closest to the center of the roadway. So that
2 would be the north lane.

3 JUDGE DUGGAN: Okay. And are you talking about
4 the approach from the west or after you crossed it?

5 MR. VERCRUYSSSE: After you've crossed it.

6 JUDGE DUGGAN: Okay. So it's the northern of
7 the two eastbound lanes after you've cross the
8 crossing that is the problem, correct?

9 MR. VERCRUYSSSE: Correct.

10 JUDGE DUGGAN: Okay. And what is the problem
11 there?

12 MR. VERCRUYSSSE: Through that section the
13 asphalt has settled, the rubber panels are still not
14 in the best shape and would probably be better to
15 have one consistent material through that section,
16 and then that should hopefully, with proper
17 compaction, provide an appropriate repair.

18 JUDGE DUGGAN: Okay. Now, Mr. Michaud, before
19 I asked you if you agreed that the representation
20 made with regard to the settling and the problem
21 between the rails, and you said yes, you did. And
22 now I ask you if you agree with the representation

1 regarding the northbound and east -- northern two
2 eastbound lanes after you cross them, if you agree
3 that there is a problem there that needs to be
4 addressed.

5 MR. MICHAUD: Yes.

6 JUDGE DUGGAN: All right. And you understood
7 what Mr. Vercruysse just proposed, which is taking up
8 all the rubber panels there and replacing
9 consistently with asphalt, correct?

10 MR. MICHAUD: Yes.

11 JUDGE DUGGAN: Okay. Now, does your
12 superintendant witness here have an opinion on that?

13 Mr. Fuhrer, do you have an opinion as
14 to whether that is an appropriate fix?

15 MR. T.J. FUHRER: That's an appropriate fix.

16 JUDGE DUGGAN: And also with regard to the fix
17 previously discussed between the tracks, which is to
18 take out all the existing hot mix asphalt and put in
19 new mix asphalt, do you agree that that's an
20 appropriate fix?

21 MR. T.J. FURHER: Yes.

22 JUDGE DUGGAN: Okay. And is Iowa Pacific

1 Holdings and Chicago Terminal prepared to go forth
2 with both of these mixes as soon as they have the
3 Chicago permit and time scheduled to do so?

4 MR. MICHAUD: Yes.

5 MR. T.J. FURHER: Yes.

6 JUDGE DUGGAN: Okay. And the only one's who's
7 going to -- who's not going to know what that is
8 until you get it, but from your experience,
9 Mr. Fuhrer, what's our time frame inside and, you
10 know, the shortest time frame and the longest time
11 frame inside and out?

12 MR. T.J. FURHER: To finish the project, it
13 would take about one day, or a half a day to a day
14 with this.

15 JUDGE DUGGAN: And in your experience with the
16 City of Chicago, what's the soonest you can get a
17 permit and what's the latest one might get a permit?

18 MR. T.J. FUHRER: Without knowing any of the
19 event, provided there are no events in the area, I
20 expect that we can do it within a couple weeks.

21 JUDGE DUGGAN: Okay. And Mr. Alonzo, you see
22 any reason why it might not be able to be done in a

1 of couple weeks?

2 MR. JOE B. ALONZO: Not with the knowledge I
3 have now. No, your Honor.

4 JUDGE DUGGAN: Okay. Is there anything else
5 before we proceed to Division Street, Mr. Vercruysse?

6 MR. VERCruysse: No, your Honor.

7 JUDGE DUGGAN: Mr. Michaud?

8 MR. MICHAUD: No.

9 JUDGE DUGGAN: Okay. Mr. Policicchio?

10 MR. POLICICCHIO: No, your Honor.

11 JUDGE DUGGAN: Policicchio. Pardon me.

12 All right. Then we're going to move
13 to Division Street.

14 Now, is the first problem with
15 Division Street the question of when Chicago intends
16 to alter that grade, Mr. Vercruysse? Is that the
17 thumbnail question?

18 MR. VERCruysse: Your Honor, prior to the
19 hearing, new information was brought forward by the
20 Chicago terminal as far as other work that was done
21 in the area by ComEd where actual resurfacing may
22 have been completed all the way up to the rail in

1 which it would have addressed certain issues. So I
2 think I can let Mr. Michaud speak to that, and then I
3 need to do a field review because that work has taken
4 place since I was last out in the area.

5 JUDGE DUGGAN: All right. You say ComEd did
6 work?

7 MR. VERCRUYSSSE: Commonwealth Edison had a
8 large underground utility project in the area and
9 under the tracks of the Chicago Terminal. In
10 rehabilitating the area or restoration of the
11 pavement and all of the patches and things that they
12 needed for that underground utility work, it has now
13 been brought forward that they resurfaced Division
14 Street through this area, thereby potentially
15 correcting many of the issues we had.

16 After that, relative to the City of
17 Chicago and any proposed work, again, that's why we
18 had asked the City to be present and represent any
19 items that they may have.

20 MR. JOE B. ALONZO: Yeah. What I could --

21 JUDGE DUGGAN: Who -- Mr. Policicchio or
22 Mr. Alonzo, do either of you know what the City's

1 plans are for the area of Division Street approaching
2 the crossing from both directions?

3 MR. POLICICCHIO: I'll let Mr. Alonzo speak to
4 that.

5 MR. JOE B. ALONZO: Yes. Well, what we did
6 over the last year was put a temporary bridge just to
7 the east of this location of where the track is
8 currently located, and that is a temporary bridge
9 that will be reconstructed in the next couple of
10 years. Part of scope of that project will also
11 include redoing -- resurfacing the roadway to the
12 east and west of bridge, which would include the
13 scope of the -- where the tracks are currently
14 located with the Chicago Terminal Railway.

15 At the time there was a consideration
16 that it may affect the profile of the railroad, but
17 the project manager indicated to me that the railroad
18 should not be precluded from proceeding with their
19 improvement because it would not have any impact or
20 effect -- adverse effect to what we were going to be
21 doing as part of the roadway construction project.

22 JUDGE DUGGAN: When you say the superintendant,

1 you mean the superintendant of that project or whom?

2 MR. JOE B. ALONZO: The project manager, who's
3 a civil engineer, indicated that the roadway
4 construction work will not have any effect on the
5 improvement that the Chicago Terminal Railway will be
6 doing or vice versa.

7 JUDGE DUGGAN: Okay. Mr. Michaud or
8 Mr. Fuhrer, were you aware of that before today?

9 MR. T.J. FUHRER: No, we didn't know -- we
10 didn't know the intent of the City, I guess you would
11 say. We didn't know what the plans were. All we
12 know that ComEd did their repairs, and everybody was
13 satisfied with that. We don't know what the time
14 line of the City of Chicago is as far as the whole --

15 JUDGE DUGGAN: Right. Right. Right. The
16 ultimate question being this: The representation
17 just made by Mr. Alonzo is that the project manager
18 for the City said there's no reason to wait -- the
19 railroad has no reason to wait anymore.

20 MR. T.J. FUHRER: Correct.

21 JUDGE DUGGAN: I mean, that's where we are now.

22 MR. T.J. FUHRER: Yes, that's fine. We'll

1 proceed forward if they decide that the crossing
2 needs more fixing -- is that the word? Or more
3 repair.

4 MR. MICHAUD: I think it's our position that
5 the crossing is now in a satisfactory condition; that
6 it no longer poses an issue that needs to be
7 addressed in this hearing.

8 JUDGE DUGGAN: So basically,
9 Mr. Vercruysse -- this is new to Mr. Vercruysse,
10 Mr. Vercruysse needs to go out and look at it, and
11 Mr. Vercruysse has no position until he does it; is
12 that fair?

13 MR. VERCruysse: That's correct, your Honor.

14 JUDGE DUGGAN: All right. Good deal.

15 Then there's nothing else we can do on
16 that one until we get that. So what I would suggest
17 is that -- it seems to me like the Railroad is
18 agreeable with moving forth, immediately with
19 obtaining a permit, and performing these repairs to
20 North Avenue as discussed, and that once
21 Mr. Vercruysse inspects the Division Street then he
22 will communicate with Mr. Michaud and they will

1 hopefully agree upon a course of action.

2 Are those representations fair so far,

3 Mr. Vercruysse?

4 MR. VERCRUYSSSE: Yes, your Honor.

5 JUDGE DUGGAN: Mr. Michaud?

6 MR. MICHAUD: Yes.

7 JUDGE DUGGAN: Very good.

8 Okay. I think the one thing that

9 I'm -- leaves me --and I'm certain we covered

10 everything -- is that this repair of North Avenue.

11 Is that still a temporary repair,

12 Mr. Vercruysse?

13 MR. VERCRUYSSSE: With this -- once this work

14 is completed eastbound, I believe it should meet the

15 minimum requirements of the Administrative Code so

16 that it rides satisfactorily, and I will have to wait

17 until that repair's complete. Right now, it does not

18 meet what I would say is an acceptable ride.

19 JUDGE DUGGAN: Okay. Now, on the southern of

20 the two eastbound lanes, did they not leave rubber

21 panels in there?

22 MR. VERCRUYSSSE: Most of those were replaced,

1 if not all of them. I'm sorry, I'm looking at a
2 couple pictures. I don't believe any
3 other -- it was only in that northern lane of the
4 eastbound -- and maybe Mr. Fuhrer can provide more
5 information -- but it just seemed that it was in that
6 segment.

7 JUDGE DUGGAN: Well, what my question was
8 directed towards was if they did leave rubber panels
9 on the -- after you crossed the crossing of the
10 southern of the eastbound lanes, then it would seem
11 that that has been part of the problem, and if there
12 are still rubber panels there, even though it's not a
13 visible fix -- not a visible problem now, it's my
14 understanding that when they were doing a temporary
15 fix anyway, that I am trying to get at whether that
16 should be addressed so that there's a permanent fix.

17 Did that make any sense to you,
18 Mr. Vercruysse?

19 MR. VERCruysse: I'm not sure I understand
20 exactly, your Honor.

21 JUDGE DUGGAN: All right. Let me give it
22 another shot.

1 First of all, do we know whether there
2 are rubber panels still on the southern of the
3 eastbound lanes?

4 MR. VERCRUYSSSE: There are not. Those panels
5 were removed, your Honor.

6 JUDGE DUGGAN: Okay. On both the approaches
7 and after you cross the crossing, they're all
8 removed?

9 MR. VERCRUYSSSE: Correct.

10 JUDGE DUGGAN: And so the fix has been done
11 with asphalt, correct?

12 MR. VERCRUYSSSE: Correct.

13 JUDGE DUGGAN: And, as far as you know, that is
14 as good as any fixes we're ever going to get -- and
15 so it's as good as a permanent fix, correct?

16 MR. VERCRUYSSSE: Correct.

17 JUDGE DUGGAN: Unless you go back and inspect
18 it and find that it's settled or some other problem
19 has happened, correct?

20 MR. VERCRUYSSSE: That's correct.

21 JUDGE DUGGAN: Okay. So you don't see a
22 problem in there before, when we're ready to conclude

1 this thing, it's very possible it may be all we need
2 to do there, right?

3 MR. VERCRUYSSSE: Yes, your Honor. Correct.

4 JUDGE DUGGAN: Good deal. So it's just those
5 two things, and it sounds like everybody's ready to
6 go on that. So I think all we will do then
7 is -- hopefully cooperation will exist and
8 Mr. Vercruysse will at some point file another report
9 telling me how things are going -- or making his
10 representation as to how things are going, and we
11 will then have a hearing to determine if anyone
12 disagrees with him, and at some point we'll have a
13 hearing to determine whether sanctions should be
14 imposed for the delay this doing this, but that will
15 also wait until we get all these temporary
16 problems or the known problems fixed.

17 So, is there anything else on this
18 case today, Mr. Vercruysse?

19 MR. VERCRUYSSSE: Nothing further, your Honor.
20 Thank you.

21 JUDGE DUGGAN: Mr. Michaud?

22 MR. MICHAUD: No, your Honor.

1 JUDGE DUGGAN: Mr. Policicchio?

2 MR. POLICICCHIO: No, your Honor.

3 JUDGE DUGGAN: Okay. Well, I appreciate all of
4 you coming in, and that will conclude the hearing in
5 T14-075 today. Thank you very much.

6 SINE DIE.

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